



Re: CDE
Sanoff, Robert
to:
Sarah Flanagan
11/15/2010 04:46 PM
Hide Details
From: "Sanoff, Robert" <RSS@foleyhoag.com>
To: Sarah Flanagan/R2/USEPA/US@EPA,
History: This message has been replied to.

Sarah -- I'll check again but I thought I did ask my client for unaudited 2010 financials and was told there were none yet available.

Best regards,
Robby

Robert S. Sanoff
Foley Hoag LLP -- 155 Seaport Blvd
Boston, MA 02210
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From: Flanagan.Sarah@epamail.epa.gov
To: Sanoff, Robert
Cc: Ettinger, Jonathan
Sent: Mon Nov 15 16:39:08 2010
Subject: Re: CDE

Robby,

Thank you. We will think about what you've said with regard to the

Ex 7(a) - Int w Enf.

Ex 7(a) - Int w Enf.

I would like to point out that our November 4, 2010 letter included a third request, in addition to the two requests to which CDE has responded. I think the second and third requests were muddled because we failed to number the third request. The second request was for audited financial statements for the fiscal year ending on August 31, 2009. Our third request was meant to address the fiscal year ending on August 31, 2010, for which we seek unaudited financial data including income statements, balance sheets, and statements of cash flow. (We are assuming that audited financials are not available yet for the FY ending August 31, 2010.)

I apologize for the confusing wording of the letter. Could you please enquire into what unaudited financial information CDE could provide (on a confidential basis)?

Thank you.

Sarah P. Flanagan
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From: "Sanoff, Robert" <RSS@foleyhoag.com>
To: Sarah Flanagan/R2/USEPA/US@EPA
Cc: "Ettinger, Jonathan" <JME@foleyhoag.com>
Date: 11/15/2010 04:27 PM
Subject:

Confidential -- For Settlement Purposes Only

Sarah -- I attach CDE's response to your request for updated financial information (which includes on a confidential basis copies of CDE's 2009 audited financial statement and federal tax return).

In thinking further about our recent settlement conversation, it seems clear to me that any settlement to be viable will need directly or indirectly to address the Ex 7(a) - Int w Enf. (and other sites). It would be helpful if you could reach out to the Ex 7(a) - Int w Enf. team at EPA in advance of our December 9th meeting to get their views on whether we could fold that Site into any settlement. Thanks.

If you have any questions about this email or attachment, please don't hesitate to call Jon Ettinger or me.

Best regards,
Robby Sanoff

**FOLEY
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Robert Sanoff

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[attachment "Scan_Attachment1.PDF" deleted by Sarah Flanagan/R2/USEPA/US]

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